

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-cv-97-RJC-DCK**

URBAN SMITH,)
)
Plaintiff,)
)
) **ORDER**
vs.)
)
AMERICAN GENERAL FINANCE,)
)
Defendant.)
)

THIS MATTER comes before the Court sua sponte. On November 2, 2011, the Magistrate Judge entered an order requiring Plaintiff to show cause on or before November 18, 2011 why this action should not be dismissed. (Doc. No. 7). The Magistrate Judge noted that Plaintiff failed to file a status report or stipulation of dismissal on or before May 20, 2011, as ordered by the Magistrate Judge on March 22, 2011. (Doc. No. 5). Defendant asserted in its May 20, 2011 status report that Plaintiff failed to pursue arbitration, or to otherwise pursue this lawsuit. (Doc. No. 6).

Plaintiff has failed to prosecute this action. Federal Rule of Civil Procedure 41(b) provides as follows:

If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule--except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19--operates as an adjudication on the merits.

The time has now expired and Plaintiff has failed to comply with the Magistrate Judge's November 2, 2011 Order. (Doc. No. 7).

IT IS, THEREFORE, ORDERED that all of Plaintiff's claims against Defendant are

DISMISSED. See Reizakis v. Loy, 490 F.2d 1132 (4th Cir. 1974).

Signed: November 29, 2011

Robert J. Conrad Jr.
Robert J. Conrad, Jr.
Chief United States District Judge
